

**NEXT STEPS ON U.S. POLICY
TOWARD NORTH KOREA**

HEARING

BEFORE THE

**SUBCOMMITTEE ON EAST ASIA,
THE PACIFIC, AND INTERNATIONAL
CYBERSECURITY POLICY**

OF THE

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CONTENTS

	Page
Gardner, Hon. Cory, U.S. Senator From Colorado	1
Markey, Hon. Edward J., U.S. Senator From Massachusetts	3
Yun, Hon. Joseph Y., Senior Advisor, The Asia Center, United States Institute of Peace, Washington, DC	5
Prepared Statement	7
Cha, Victor, Senior Adviser and Korea Chair, Center for Strategic and International Studies, Washington, DC	8
Prepared Statement	10

NEXT STEPS ON U.S. POLICY TOWARD NORTH KOREA

Tuesday, June 5, 2018

U.S. SENATE,
SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND
INTERNATIONAL CYBERSECURITY POLICY,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Cory Gardner, chairman of the subcommittee, presiding.

Present: Senators Gardner [presiding], Risch, Rubio, Barrasso, Isakson, Markey, Murphy, Kaine, and Cardin.

OPENING STATEMENT OF HON. CORY GARDNER, U.S. SENATOR FROM COLORADO

Senator GARDNER. This committee will come to order.

Let me welcome all of you to the seventh hearing for the Senate Foreign Relations Committee on East Asia, the Pacific, and International Cybersecurity Policy in the 115th Congress.

This hearing comes at a historic moment for our policy toward North Korea. A week from today in Singapore, President Trump will meet Kim Jong Un, the first summit between a sitting United States President and a North Korean dictator. The stakes could not be higher for this meeting and its outcomes because there is no greater diplomatic offering that the United States can offer to resolve this crisis than the President of the United States.

Over the last three decades, North Korea has built the world's largest illicit arsenal of mass destruction, including nuclear, ballistic missile, biological, chemical, and radiological weapons programs. According to intelligence assessments, North Korea is getting dangerously close to a viable intercontinental ballistic missile capability that can threaten the United States mainland. North Korea remains the world's most brutal violator of human rights, with up to 200,000 men, women, and children in gulag-style detention camps. A landmark 2014 United Nations Human Rights Report said that the regime is conducting genocide against its own people.

Despite the grave threat the regime has posed, when I came to the Senate in 2015, few were focused on the North Korea problem set, which led me to refer to Kim Jong Un as "the forgotten maniac." The United States policy at the time, called "strategic patience," was clearly failing to deter the regime. It was Congress that took the lead and recognized that, without an immediate

change in U.S. policy and a robust global pressure campaign, we could never gain the necessary leverage to force the regime to change course and to denuclearize.

On February 10th, 2016, the United States Senate passed my North Korea Sanctions and Policy Enhancement Act, or NKSPEA, by a vote of 96 to zero. President Trump signed it into law 8 days later. The bill was the first—first—standalone legislation demanding sanctions against North Korea and its enablers for proliferation, human rights, and cybersecurity violations. NKSPEA has become the backbone of the current maximum pressure policy toward the regime. According to the Foundation for the Defense of Democracies, the North Korea Sanctions and Policy Enhancement Act, which came into effect February 18th, 2016, marked a turning point in U.S. sanctions. The law spurred the Obama administration to issue new designations while creating the framework for the Trump administration's maximum pressure policy.

Since the passage of NKSPEA, U.S. sanctions against North Korea have increased by 276 percent, or almost threefold. Even with this increase, North Korea moved from the eighth most sanctioned nation by the United States to being the fourth most sanctioned nation today. Remarkably, the FDD also found that, in the entire 8 years of the Obama administration, there were 154 sanctions designations against North Korea. In the first 16 months of the Trump administration, there have already been 156 such designations. The Trump administration has also conducted a successful international diplomatic isolation campaign against North Korea resulting in over 20 nations downgrading or ending commercial and diplomatic ties with the regime. For example, the Philippines was once North Korea's third largest trading partner, with nearly 100 million in bilateral trade. In September of 2017, Manila ended all trade with Pyongyang, a resounding success for U.S. diplomacy.

But, now that we have painstakingly built the sanctions leverage and brought Pyongyang to the negotiating table, it would be misguided to let up on the pressure valve. In fact, we should continue to build our diplomatic leverage through additional sanctions, including Senator Markey and I—our bipartisan legislation, called the LEED Act, which mandates a global trade embargo against the regime. United States law with regard to North Korea, established through Section 402 of the NKSPEA, is clear: There can be no sanctions relief for North Korea unless the regime makes significant progress toward completely, verifiably, and irreversibly dismantling all of its nuclear, chemical, biological, and radiological weapons programs, including all programs for the development of systems designed, in whole or in part, for the delivery of such weapons. Any negotiations with North Korea must ultimately meet the high bar of Section 402.

So far, although it has suspended missile tests, North Korea has not taken any concrete or verifiable steps toward denuclearization. So, it is my hope that, during the summit, it will be made clear to the regime that the only goal of our negotiations is denuclearization, a message that President Trump, Secretary Pompeo, and Secretary Mattis have all publicly reiterated.

Now I will turn it over to our Ranking Member, Senator Markey, for his opening comments and thank him for being a great partner as we have worked together to solve this great challenge.
Senator Markey.

**STATEMENT OF HON. EDWARD J. MARKEY,
U.S. SENATOR FROM MASSACHUSETTS**

Senator MARKEY. Yeah, thank you, Mr. Chairman, very much. And thank you for convening this critical hearing. And welcome back to Washington from Singapore. I know you went to the Shangri-La Dialogue. I am sorry that I could not join you there. But, it is great to be sitting next to you again addressing this key foreign policy challenge that we face in Asia. Your leadership here in the Senate and on the Committee is invaluable, and I am grateful for your partnership and your friendship.

I also want to thank our fantastic witnesses for being here, as well. You are two of the top North Korea experts in the country, and we are appreciative of your many years of service on behalf of the American people.

I also want to thank all of our colleagues who have been working on this issue, as well.

Our hearing could not be more important, as Congress's involvement will be crucial in any successful diplomatic effort with North Korea. And the strong interest which Congress shows is testament to that fact.

This committee should help shape the parameters of our North Korea policy and set the stage for the upcoming summit meeting. While the White House will make some decisions behind closed doors, the implications of those decisions necessitate a public debate. We also must ensure that these policy efforts are appropriately resourced and overseen.

It is no secret that I do not agree with President Trump on everything, but I welcome his turn towards diplomacy, even if his methods are unorthodox. A combination of direct engagement backed by pressure is the only solution to the North Korean threat to the United States, our allies, and to the broader region. And I have long advocated for this approach, including through previous hearings of this subcommittee.

And we are here today to help pave the way for greater cooperation between Congress and the White House, both before and after the upcoming summit, because, for a meaningful, lasting agreement, the executive and legislative branches must both sing from the same sheet of music. Without that collaboration, we will not successfully reduce the threats. And the threats are significant. Unlike with other countries, North Korea already possesses thermonuclear warheads and the ballistic missiles to deliver them. It has shorter-range missiles that cast a dark shadow over our allies, South Korea and Japan. Pyongyang possesses some of the foulest toxins on the planet, and it brutally represses, imprisons, tortures, and kills its own citizens. So, we must address these myriad threats, and there is serious debate about how best to do it.

But, one thing remains crystal clear. There is no military solution to this problem. Direct diplomacy, backed by economic pressure, is the only approach that will successfully resolve the North

Korea crisis. But, while North Korea is coming to the table, we have not yet compelled it to accept our definition of “denuclearization,” one where the Kim regime relinquishes its nuclear weapons and its means to produce more. It appears that Kim Jong Un, having stockpiled a wide range of illicit and dangerous weapons, believes that he is negotiating from a position of strength rather than from a position of weakness. And, while the Trump administration said that it has imposed maximum pressure, the truth is, we have not yet reached that level. North Korea must understand that, even if China eases the pressure, we, in Congress, are ready to step in to tighten the screws, because, without sufficient pressure, we can expect, and must prepare for, the old Kim family playbook.

History shows us that North Korea tries to, one, frontload rewards and delay concessions, as it did during the Clinton administration negotiations; two, use sleight of hand to make irrelevant actions seem meaningful, such as when it imploded the Yongbyon cooling tower during the Bush years; and, three, exploit ambiguity, as North Korea did during the Obama administration, when a claimed ballistic missile test was a peaceful space launch. We want reconciliation, not repetition. Because North Korea’s negotiating history is filled with obfuscation, false concessions, and broken promises, we must approach these discussions with eyes wide open.

I believe that we can all agree that, ultimately, we need a plan that stops North Korea’s plutonium production and uranium enrichment, that suspends and then eliminates its ballistic missile program, that permanently dismantles and removes all of its nuclear, chemical, and biological weapons, and that implements a compliance inspection program with a strong verification regime. Suspend, eliminate, dismantle, remove, and verify every step of the way.

Although there are few disagreements over what a deal should look like, the trick is figuring out how to get there, to successfully navigate the hazards. Number one, do not sell out our allies. We must not allow North Korea to believe that the alliance framework, which has served as the foundation of regional peace and security, is anything other than unshakeable. Two, do not prematurely release the pressure valve. China, North Korea’s chief enabler, is becoming a problem in this regard. There are already reports that China is easing pressure on its neighbor. North Korea goods already are easier to find in China, despite being banned by United Nations Security Council resolutions. If China wants to be taken seriously as a responsible global power, it cannot shirk its duties to enforce sanctions on serial violators like North Korea. And if the talks do not go well, or if North Korea backslides at any point, we would want China to consider cutting off all of its crude oil exports to the North Korean regime. Without measures like this, and without a clear understanding of our previous diplomatic efforts with North Korea, we could fail. And we owe it to our fellow Americans to successfully reduce the threats that we face.

I look forward to exploring these issues today, and I want to thank our witnesses and the countless other national security professionals working so diligently to address these challenges.

Thank you, Mr. Chairman.

Senator GARDNER. Thank you, Senator Markey.

And the eyes of the world are on Singapore, where the world looks at a historic opportunity for peace. With many questions unanswered—and no one is better suited to answer those questions than the two witnesses before us today—I am going to introduce both witnesses, and then turn it over to you for your testimony, then we will take questions.

Our first witness is Dr. Victor Cha, who serves as Senior Advisor and Korea Chair at the Center for Strategic and International Studies. From 2004 to 2007, Dr. Cha served as Director for Asian Affairs at the National Security Council, where he was responsible primarily for Japan, the Korean Peninsula, Australia, New Zealand, and Pacific Island Nation Affairs. He was also the deputy head of the delegation for the United States at the Six Party Talks in Beijing, and received two Outstanding Service commendations during his tenure at the National Security Council. I will note that Dr. Cha testified at this subcommittee in October 2015, when few were paying attention to North Korea. No one was in attendance at the committee hearing and the grave challenge that the regime posed to the United States and our allies was just being fully understood.

Welcome back, Dr. Cha. And thank you for your service.

Our second witness today is Ambassador Joseph Yun, who currently serves as a Senior Advisor for the Asia Program at the U.S. Institute of Peace. Ambassador Yun had a distinguished 33-year career at the Department of State before his recent retirement in February of this year. In his last assignment, he served as Special Envoy on North Korea from 2016 to 2018, leading the Department's efforts with regard to North Korea policy and coordination. From 2013 to 2016, he served as U.S. Ambassador to Malaysia. And, prior to that, he served as Principal Deputy Assistant Secretary for East Asian and Pacific Affairs.

Welcome, Ambassador Yun. Thank you for your service.

And we will begin with your testimony.

Thank you.

STATEMENT OF HON. JOSEPH Y. YUN, SENIOR ADVISOR, THE ASIA CENTER, UNITED STATES INSTITUTE OF PEACE, WASHINGTON, DC

Ambassador YUN. Thank you very much, Chairman Gardner, Ranking Member Markey, and members of the subcommittee. Thank you for the opportunity to testify this morning on next steps on U.S. policy toward North Korea.

Mr. Chairman, with your permission, I will submit a longer written testimony for the record.

Senator GARDNER. Without objection.

Ambassador YUN. I would like to make five points on where we are, where—I believe where we are, where we might go in regard to the threat posed by the North Korean nuclear weapons.

First, I believe we are in a materially different place than where we were a year ago, or even 6 months ago. During that time, North Koreans have stopped their provocative missile and nuclear tests. The United States has agreed to hold the first-ever summit with

the North Korean leader, Kim Jong Un, and, as a result, tensions are materially down.

Second, even compared with a month ago, there has been a noticeable change in what the U.S. administration is looking for in the upcoming summit meetings. Key words from the administration now seem to be "process" and "progress," a big change from the "all in one" or "big bang" denuclearization championed by senior administration officials only a few weeks ago.

Third, related to that, however, is the concern now on whether the administration is now placing the bar too low on denuclearization. True, while it is a good development that the administration is more realistic, we should not accept North Korea as a nuclear-weapons state. Complete denuclearization, which means dismantlement, removal of all fissile material and production capacity, must be the goal.

My fourth point is that, in order to get there, there must be concrete steps committed by North Korea in the upcoming Singapore meeting. There are some easy, immediate deliverables that should not be difficult for North Korea. These would include memorializing North Korea's current self-imposed moratorium on nuclear and ballistic missile testing and opening the Yongbyon nuclear facilities for IAEA inspection and monitoring.

A much more difficult, but nevertheless a vital, initial step is to provide a true declaration and accounting of all North Korean nuclear sites and fissile material. Pyongyang has adamantly resisted giving such an accounting in the past. And this is a key reason for the collapse of the two previous agreements, the Agreed Framework and the Six Party Talks. These first-stage actions, accompanied by an agreement on full verification, will test the seriousness of Kim Jong Un's claim that he is seeking a different type of relationship with the United States and the international community.

Beyond the immediate steps, the negotiations must produce a clear timeline for the ultimate goal, the disablement and dismantlement of all nuclear North Korean ICBM facilities. If Kim does agree to a swift timeline, I believe the skeptics in Washington, Seoul, and Tokyo will become more quiet, although they will continue to assert, rightly, that implementation is everything.

My fifth and last point is what Kim Jong Un gets in return. Pyongyang has developed nuclear weapons and ballistic missiles to ensure regime survival. To reach a clear outcome on denuclearization, there should be a corresponding clarity on security assurances. Diplomatically, both the DPRK and U.S. should show their serious commitment to normalizing relations by agreeing to an end-of-war statement and opening up liaison offices in Washington and Pyongyang. Declaring that the United States does not have hostile intent and that United States will begin normalization and peace treaty negotiations is needed as security assurances. As an addendum, I would like to add that better relations with North Korea, even security guarantees for North Korea such as no first strike, cannot come at the expense of degrading our alliances in the region, especially the U.S.-ROK and U.S.-Japan alliances.

Thank you very much, Mr. Chairman.

[The prepared statement of Ambassador Yun follows:]

PREPARED STATEMENT OF AMBASSADOR JOSEPH Y. YUN

Subcommittee Chairman Gardner, Ranking Member Markey and members of the Subcommittee, thank you for the opportunity to testify this morning on “Next Steps on U.S. Policy Toward North Korea.” I am a Senior Advisor at the United States Institute of Peace, although the views expressed here are my own. USIP was established by Congress over 30 years ago as an independent, national institute to prevent and resolve violent conflicts abroad, in accordance with U.S. national interests and values.

Achieving a substantive and mutually satisfactory agreement in the planned June 12 U.S.-North Korea summit is a particularly complex challenge, as the two sides start from positions that have little in common. At the most obvious level, they are focused on sharply different outcomes. The U.S. under President Donald Trump wants immediate or at least swift denuclearization of North Korea, while DPRK leader Kim Jong Un is focused on the survival of his regime, beginning with recognition of his country as a legitimate state, followed by an easing of economic sanctions. That mismatch has remained more or less consistent and has stymied any agreement since the first round of bilateral denuclearization negotiations in early 1990s.

However, the stakes have grown far higher since last September when the North Koreans successfully tested a thermo-nuclear device with a yield approximately fifteen times the blast Hiroshima in 1945, followed just 2 months later by the launch of their Hwasong 15 ICBM, capable of reaching virtually anywhere in the United States. Simultaneously, President Trump’s “maximum pressure” campaign has begun to squeeze the North Korean economy more effectively than past sanctions and his warnings of an American military response “like the world has never known” have rattled both China and South Korea to urge Kim to decelerate.

As a result, the parties’ divergence of goals is now matched by an equally differing view of their relative negotiating power. President Trump has reasons to believe that he is the one holding the cards—that Kim has been so punished by the effects of the maximum pressure that he is ready to bargain away his nuclear weapons. While South Korean President Moon Jae-in is adamant that Kim Jong Un is serious about denuclearization, it is clear that, as the leader of a demonstrated nuclear weapons possessing state, Kim also believes he enters the talks from a position of strength—otherwise, why would the U.S. president agree to meet him one-on-one, a goal both Kim’s father and grandfather were never able to achieve?

GIVEN THIS GAP, WHAT SHOULD THE U.S. REALISTICALLY AIM FOR IN THE SUMMIT?

North Korea will likely not agree to what National Security Advisor John Bolton has in mind: immediately packing away all its nuclear arsenal and equipment and shipping them to Oakridge. This much has become clear with the most recent high-level engagement between the President, Secretary of State Mike Pompeo and North Korean Vice Chairman Kim Yong-Chul. Even President Trump recognized that this demand was unrealistic, as he opened the door to phased denuclearization when he told the press after his meeting with Kim Yong-Chul on June 1 that the negotiations with the North Korean would be a “process,” and that there could be several summit meetings with Kim Jong Un and that the first meeting might be something of a “getting-to-know-you” session.

Still, even in the first summit, the Administration should demand immediate concrete steps to support Kim Jong Un’s assertion that he is indeed looking for a different relationship with the United States, South Korea and the international community.

On the denuclearization side, there are easy, immediate deliverables, including memorializing North Korea’s current self-imposed moratoriums on nuclear and ballistic missile testing and opening the Yongbyun nuclear facilities for IAEA inspection and monitoring. A much more difficult, but nevertheless vital initial step is to provide a “true” declaration and accounting of all North Korean nuclear sites and fissile material. Pyongyang has adamantly resisted giving such an accounting in the past, a key reason for the collapse of the two previous agreements: the Agreed Framework and the Six Party Talks. These first-stage actions, accompanied by an agreement on full verification, will test the seriousness of Kim’s claim that he is seeking a different type of relationship with the United States, as well as President Moon’s claim that the U.S. should believe it.

Beyond the immediate steps, the negotiation must produce a clear timeline for the ultimate goal: the disablement and dismantlement of all nuclear and North Korean ICBM facilities, material, and devices. If Kim agrees to a swift timeline—say by

2020—the cadres of skeptics in Washington, Seoul and Tokyo will be silenced, although they will continue to assert, rightly, that implementation is everything.

The other side of the ledger is what Kim gets in return. Pyongyang has developed nuclear weapons and ballistic missiles to ensure regime survival. To reach a clear outcome on denuclearization, there should be a corresponding clarity on security guarantees. Diplomatically, both the DPRK and the U.S. should show their serious commitment to normalizing relations by agreeing to an “end-of-war” statement and opening of liaison offices in Washington and Pyongyang. Declaring that the United States does not have “hostile intent” and will begin normalization and peace treaty negotiations is equally needed as a security guarantee. Still, better relations with North Korea, even security guarantees such as no-first-strike, cannot come at the expense of degrading our alliances in the region, especially the U.S.-ROK and U.S.-Japan alliances.

Any concrete steps by North Korea on denuclearization should be accompanied by economic measures. Early confidence building steps could include humanitarian assistance, if not from the U.S. then through South Korea and the international community. On sanctions—both U.S. and those imposed through the United Nations Security Council resolutions—any relief should be based on complete dismantlement of the nuclear weapons, material, and program, as the Administration has stated repeatedly.

In the remaining time the U.S. has before the summit, U.S. diplomats, led by Secretary Pompeo, should build on the gains made over the past 6 months (North Korea’s moratorium on nuclear and ballistic missile testing, the apparent disablement of the Punggye-ri testing facilities, and the freeing of the three American prisoners) to reach an agreement on an agenda that addresses both leaders’ aspirations and promises enough concrete deliverables to convince the American public and the international community that the United States and North Korea are taking serious steps toward denuclearization of North Korea.

Thank you for your continued focus and attention to this critical national security issue. I look forward to answering your questions.

Senator GARDNER. Thank you, Ambassador Yun.

And, for those of you wondering, the smell in here was not an electrical fire. They were welding upstairs. So, that was the smell. It has stopped now, so we are okay.

[Laughter.]

Senator GARDNER. Dr. Cha.

STATEMENT OF VICTOR CHA, SENIOR ADVISER AND KOREA CHAIR, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, WASHINGTON, DC

Dr. CHA. Thank you. Chairman Gardner, Ranking Member Markey, and distinguished members of the subcommittee, it is a distinct honor to appear before this subcommittee to discuss the challenges of U.S. policy to North Korea.

The impending summit meeting between President Trump and North Korean leader Kim Jong Un on June 12th in Singapore potentially will take us to a historic moment in U.S. policy on the Korean Peninsula. If the events leading up to June 12th are any indication, only the President himself will determine what deal can be made or whether no deal should be made with Kim Jong Un. But, a summit is not a strategy, and a summit without a strategy is dangerous. The United States needs to have clear focus on our objectives in this negotiation, and must stay closely aligned with Congress and with our allies in achieving these objectives. In this regard, I enumerate some principles that might be useful as we think about entering this period of summit diplomacy.

First, we must maintain the goal of complete denuclearization of North Korea. I do not think anybody disagrees about that. Easing up on this goal might facilitate short-term negotiations, but would have damaging effects regionally and globally. In this regard, it

will be important to see a definitive denuclearization statement from the North Korean leader which commits to abandoning all nuclear weapons and existing nuclear programs or returns to the commitments in the 1992 joint declaration between the two Koreas in which they agreed neither to harbor, develop, manufacture nuclear weapons, nuclear bomb precursors, enrichment facilities, and re-processing capabilities.

Second, progress in negotiations must not come at the cost of U.S. security in the short or long term. It will be important to maintain vigilant activities to prevent horizontal proliferation, including maximum-pressure sanctions on those individuals and entities that continue to facilitate trade or business that finances these programs.

Third, we must pursue policies towards North Korea that facilitate broader U.S. strategic objectives in Asia. In practical terms, we are talking about measures we take in our North Korea policy that should strengthen, not weaken, our alliances with South Korea and Japan.

Fourth, we must seek a missile drawdown that reinforces extended deterrence. Any missile deal must account for the full range of North Korea's ballistic missiles, both short range and long range, in ways that reinforce our extended deterrence commitments to our allies and do not delink from Japan and South Korea.

Fifth, we cannot afford to give away too much, too early. One of President Trump's rules in business is never to want the negotiation more than your counterpart. Given the heightened expectations that have been heaped on the summit, it will be important for the President not to violate his own cardinal rules and put too many concessions on the table—for example, the disposition of U.S. troops in South Korea—in return for vague commitments to denuclearization. Concessions must be calibrated to concrete actions by North Korea related to denuclearization or conventional force reductions, not just the vague promises.

Sixth, it will be important for Congress to insist on better coordination with relevant parties as the White House moves forward in these negotiations. This includes consulting with this body, given its role in funding or ratifying any agreement, ensuring the South Koreans coordinate their inter-Korean initiatives with the pace of U.S.-North Korea talks, protecting Japan's alliance equities, and encouraging China and Russia not to work at cross purposes with the U.S. effort. The process could also be derailed by clumsy communication. Rather than loud tweets, quiet diplomacy and consultations are necessary.

Finally, seventh, we must require North Korea to address human rights abuses. As the recent report by the George W. Bush Institute notes, a critical element of any comprehensive political settlement with North Korea must include their agreement to end their regime's systematic violation of human rights.

Finally, critics may be dissatisfied with the unconventional manner of the President's policy towards North Korea. Nevertheless, with the summit only days away, we must all step back from the politics of the policy and ensure that the outcome of these meetings achieves the objective of making the U.S. more, and not less, secure. High-stakes summit negotiations will necessarily involve tac-

tics and guile, but grounding these negotiations in a core set of strategic principles is critical to American interests.

Thank you very much.

[The prepared statement of Dr. Cha follows:]

PREPARED STATEMENT OF DR. VICTOR CHA

Chairman Gardner, Ranking Member Markey, and distinguished members of the subcommittee, it is a distinct honor to appear before this committee to discuss the challenges of U.S. policy to North Korea.

A HISTORIC MOMENT?

The impending summit meeting between U.S. President Donald Trump and North Korea's leader Kim Jong-un on June 12 in Singapore potentially will take us to a historic moment in U.S. policy on the Korean peninsula. It could be historic for one of two reasons.

First, if the summit meets the high expectations that the President has set for the meeting, it could lead to a breakthrough agreement where North Korea, after over one half-century, finally makes the strategic decision to come in from the cold, part with their nuclear weaponry and ballistic missiles, and join the international community. In this scenario, the United States would assuage North Korea's insecurity, work with the international community to provide economic benefits to the regime, and end the Korean War with a peace agreement to replace the 1953 armistice. Japan would also normalize political relations with North Korea, achieving the long-sought "cross-recognition" of the great powers in East Asia with the two Koreas. This would be a historic, "fairy tale ending" to the Korean conflict and the platform for a new era of peace and prosperity in Asia.

Unfortunately, there are no fairy-tale endings with North Korea. The alternate historic outcome would be a failed meeting in Singapore where either or both leaders walk away convinced of the other's disingenuousness. In this scenario, negotiations break down, North Korea returns to its pattern of behavior in 2017 when it conducted 20 ballistic missile tests and one hydrogen bomb test, the United States ramps up military exercising and pre-positioning of assets, the "fire and fury" rhetoric heats up again, and the potential for armed conflict, even nuclear conflict, becomes very real.¹

The likely reality is that the summit will produce something in between these two extremes. The U.S. and North Korea teams have been preparing in Singapore (led by Joe Hagin [U.S.] and Kim Chang-son [DPRK]), Panmunjeom (led by Sung Kim [U.S.] and Choe Son-hui [DPRK]), and in Washington (Secretary of State Mike Pompeo and Vice Chairman Kim Yong-chol), constituting the conventional preparations and choreographing of a summit that were initially absent when President Trump on March 8 impulsively agreed to meet the North Korean leader on the occasion of an Oval Office visit by the South Korean national security advisor Chung Eui-yong. After President Trump's 2-hour meeting with North Korea's second-in-command Kim Yong-chol on June 1, he stated that "it'll be a process. It's not—I never said it goes in one meeting . . . But relationships are building, and that's a very positive thing" in order to achieve denuclearization, which he believes Kim Jong-un would "like to see it happen."²

The irony, then, is that what was initially presented as a cliff-hanger dramatic summit, upon which war or peace on the Korean peninsula hung is now looking more like conventional diplomacy for the unconventional Trump White House. There is nothing wrong with this. To have policy professionals working long hours to prepare logistics and deliverables in advance of the two leaders' meeting is ideally the way summit diplomacy should be conducted. And given the nature of North Korea, trying to close the gap on disparate definitions of denuclearization requires an early meeting with the regime since there is only one person in the North Korean system who can make such a strategic decision. If the President sees himself as successful in Singapore, he will have been able to elicit a definitive commitment from the North Korean leader to abandon his nuclear weapons, a commitment to end his ballistic missile threats to the U.S. and its allies, and mandate a negotiation process going forward to achieve lasting peace on the Korean peninsula. While this outcome would not be achieving the so-called "CVID" (complete, verifiable, and irreversible dismantlement) along the lines of the Libya model, few would disagree that this would be a useful, albeit outcome. As Henry Kissinger once said, "foreign policy is the art of the possible and the science of the relative"—this summit outcome would certainly be better than the alternative.³

WHAT NORTH KOREA WANTS

Nevertheless, as we hurtle toward June 12, it is important to keep in mind that North Korea and other powers are not in this game to achieve American interests, but to seek maximum concessions from the Trump administration, while giving up as little as possible of their own equities. North Korea's true intentions are not known. However, its goal may be to reach a peace agreement with the United States and all of the economic benefits that it would bring from China and South Korea, among others, but that ultimately Pyongyang will part with some, not all of their weapons capacity. In the end, North Korea may want to be a full-fledged member of the international community. It may want peace on the peninsula and a political relationship with the United States that does not necessarily have to be cordial but accords them respect as a sovereign state. But it also may want to be accepted as a nuclear weapons state. To the extent that Pyongyang addresses denuclearization concerns, it may seek to engage in arms control negotiations with the United States to reduce mutual threat, but it will not give up all of its weapons; instead it will try to socialize the world into believing that these weapons are purely defensive in nature and unthreatening, that they are safely controlled, and that they are the prerogative of a responsible nuclear weapons state.

WHAT WE WANT

If the events leading up to June 12 are any indication, only the President himself will determine what deal can be made—however imperfect—or whether no deal should be made with Kim Jong-un. But a summit is not a strategy, and a summit without a strategy is dangerous. We cannot put ourselves in a position of trading away important alliance equities and weakening sanctions and pressure in return for vague promises of denuclearization in the future. The United States needs to have clear focus on our objectives in this negotiation and must stay closely aligned with Congress and with our allies on achieving these objectives. In this regard, I enumerate some strategic principles that account for U.S. equities in Asia as we enter this period of summit diplomacy.

NATIONAL SECURITY PRINCIPLES

Maintain the goal of complete denuclearization of North Korea

The United States must maintain that the objective of our negotiations is the complete end to North Korea's WMD and missile threat. Easing up on this goal might facilitate short-term negotiations, but would have damaging second and third order effects, regionally and globally. Any negotiations must prevent North Korea's use of these weapons to intimidate the region and, more broadly, to upholding the global nonproliferation regime. The modalities of this may be subject to negotiation, but not the goal.

In this regard, it will be important to see:

1) A definitive denuclearization statement from the North Korean leader, which commits to "abandoning all nuclear weapons and existing nuclear programs" (Six Party Talks 2005 joint statement commitment by North Korea) or returning to commitments in the 1992 Joint Declaration of South and North Korea on the Denuclearization of the Korean Peninsula to neither harbor, develop, nor manufacture nuclear weapons, nuclear bomb precursors, enrichment facilities, and reprocessing capabilities;⁴

2) A complete and fully verifiable declaration of North Korea's nuclear, chemical, and biological weapons, and ballistic missile programs.

Any negotiations and agreement with North Korea should make America more, not less, secure

Progress in negotiations must not come at the cost of U.S. security in the short or long term. So long as North Korea's WMD and missile programs remain in existence, it will be important to maintain vigilant activities to prevent horizontal proliferation, including "maximum pressure" sanctions on those individuals and entities that continue to facilitate trade or business that finances these programs. The United States should also avoid negotiations that impact the military readiness of our forces to address the North Korean threat and broader regional challenges.

Pursue policies toward North Korea that facilitate broader U.S. strategic objectives in Asia

U.S. North Korea policy must be embedded within a regional strategy that fortifies our leadership position and capacity to deal with challenges from a rising China. In practical terms, this means that measures we take in our North Korea

policy should strengthen, not weaken, our alliances with South Korea and Japan. When negotiations with the North reach critical moments, we must coordinate policies with our allies to enhance our deterrence and defense posture in the region. Any consideration of military options must also align with this principle.

Seek a missile drawdown that reinforces extended deterrence

The United States has not tried to negotiate a missile drawdown by North Korea since the end of the Clinton administration. The failure to curb this program has resulted in the Hwasong-14 and Hwasong-15 ICBMs that can directly threaten the U.S. homeland. However, any missile deal must account for the full range of North Korea's ballistic missiles—both short-range and long-range—in a way that reinforces our extended deterrence commitments to allies and does not delink from Japan and South Korea.

DIPLOMACY PRINCIPLES

Don't give away too much, too early

One of Donald Trump's rules in business is never to want the negotiation more than your counterpart. Given the heightened expectations that have been heaped on the summit (and talk of the Nobel Peace Prize), it will be important for the President not to violate his own cardinal rule and put too many concessions on the table—e.g., the disposition of U.S. troops in South Korea—in return for vague commitments to denuclearization. Concessions must be calibrated to concrete actions by North Korea related to denuclearization or conventional force reductions, not just to promises.

Coordinate with Congress, allies, and partners

Outcomes on the Korean peninsula impact the core interests of all the powers in East Asia. Donald Trump's "shock diplomacy" compelled regional players to find their feet and position themselves relative to the U.S. It will be important for Congress to insist on better coordination with relevant parties as the White House moves forward in these negotiations.

This includes:

- 1) Consulting with Congress given its role in funding or ratifying any agreement;
- 2) Ensuring the South Koreans coordinate their inter-Korean initiatives with the pace of U.S.-North Korea talks;
- 3) Protecting Japan's alliance equities;
- 4) Encouraging China and Russia not to work at cross-purposes with the U.S. effort. The process could also be derailed by clumsy communication: rather than loud tweets, quiet diplomacy and consultations are necessary.

Support a peace dialogue on the peninsula, with a treaty as a goal at the appropriate time in the future

The United States should view an end to the state of hostilities on the peninsula as an objective fully in line with American interests. Toward this goal, a discussion among the relevant parties about how to implement confidence-building measures, crisis hotlines, West Sea crisis prevention, etc., is appropriate as denuclearization progresses.

Require North Korea to address human rights abuses

Both parties appear to agree that this summit has the potential to start a broader political reconciliation process between the U.S. and North Korea. As a recent report by the George W. Bush Institute notes, a critical element of any comprehensive political settlement with North Korea must include their agreement to end the regime's systematic violations of human rights.⁵ Pyongyang's addressing of such concerns would lend credibility to the view that the regime has made a strategic decision to seek a path of integration with the international community.

Consider interim steps before achieving diplomatic normalization

Realistically speaking, a one-shot denuclearization agreement is not likely to end a program that first started greenfield landscaping in 1962.⁶ This will take time and there will be many potholes and roadblocks along the way. Having an established channel of official diplomatic dialogue, such as liaison offices, might help the denuclearization process, create familiarity among the parties, and enable productive dialogue opportunities.

Critics may be dissatisfied with the unconventional manner of the President's policy toward North Korea. Nevertheless, with the summit meeting only days away, we must all step back from the politics of the policy, and ensure that the outcome of these meetings achieves the objective of making the U.S. more and not less secure. High stakes summit negotiations will necessarily involve tactics and guile, but grounding these negotiations in a core set of strategic principles is critical to American interests.

Notes

¹North Korean Provocations and U.S.-ROK Military Exercises," CSIS Beyond Parallel, April 3, 2017, <https://beyondparallel.csis.org/north-korean-provocations-us-rok-military-exercises/>

²Donald J. Trump, "Remarks by President Trump after Meeting with Vice Chairman Kim Yong Chol of the Democratic People's Republic of Korea," The White House, June 1, 2018, <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-meeting-vice-chairman-kim-yong-chol-democratic-peoples-republic-korea/>

³Henry A. Kissinger, *Does America Need a Foreign Policy? Toward a Diplomacy for the 21st Century*, (New York: Simon & Schuster, 2001), page 258.

⁴"Joint Statement of the Fourth Round of the Six-Party Talks," Beijing, September 19, 2005, U.S. Department of State, <https://www.state.gov/p/eap/regional/c15455.htm>; "Joint Declaration of South and North Korea on the Denuclearization of the Korean Peninsula," February 19, 1992, <http://www.nti.org/media/pdfs/aptkoreanuc.pdf>

⁵Victor Cha and Robert L. Gallucci, "Toward a New Policy and Strategy for North Korea," George W. Bush Institute, November 2016, <https://gwbcenter.imgix.net/Resources/gwbi-toward-a-new-policy-for-north-korea.pdf>

⁶Joseph Bermudez and Beyond Parallel, "Yongbyon Declassified: At Ground Zero," CSIS Beyond Parallel, May 14, 2018, <https://beyondparallel.csis.org/yongbyon-declassified-ground-zero/>

Senator GARDNER. Thank you, Dr. Cha.

Again, thank you, Ambassador Yun.

And we will begin with questions. You have both stated that denuclearization must be the goal, objective of this summit. I believe the complete, verifiable, irreversible denuclearization must be the goal, the objective of this summit. It is the law of the United States that complete, verifiable, irreversible denuclearization is our policy toward North Korea.

Dr. Cha, quickly—Ambassador Yun, quickly—again, if you could just, in a sentence or two, define for the committee what "denuclearization" is. It is not "You know it when you see it." What is "denuclearization"?

Dr. Cha.

Dr. CHA. So, it starts, as Ambassador Yun said, with a complete and fully verifiable declaration of all weapons or precursors and facilities, including the over 300 buildings at Yongbyon, but everywhere else around the country; and then, following that, the verifiable monitoring of a long-term freeze on all the activities that take place; and then the eventual disablement and dismantlement and removal of all facilities and weapons and their precursors. I do not think there is another definition out there that makes more sense than that, and I think it is one that is internationally accepted.

Senator GARDNER. Thank you.

Ambassador Yun.

Ambassador YUN. I completely agree with that. I do not think I can improve on that.

Thank you.

Senator GARDNER. Thank you. Thank you, Ambassador Yun.

And both of you have stated that our pressure must continue on North Korea. Dr. Cha, we should continue our maximum pressure and fully enforcing our sanctions on North Korea. Is that correct?

Dr. CHA. Yes, I agree with that statement, absolutely.

Senator GARDNER. Ambassador Yun.

Ambassador YUN. Practically, it is not possible to continue maximum pressure. I mean, when you are talking with your adversary, are you going to continue maximum pressure? I mean, that is a rhetorical question. But, you cannot do it. I do not think you can have serious engagement as well as maximum pressure.

Senator GARDNER. Let me follow up with that. If there is not maximum pressure, though, because there are ongoing negotiations, that must mean there is some objective that has been agreed to, some principle upon which they have said, in order for us to reach this agreement or a lessening of pressure, that is what they would do. But, it must be concrete. Is that correct?

Ambassador YUN. Well, for example, right now, as we speak right now, the North Koreans have stopped testing. They have stopped testing nuclear devices, they have stopped testing missiles, and they have, at least apparently, done something to the Punggye testing facility. Well, I think, when your adversary takes a step, it is also up to you to take a step, too. So, it does not have to be written. You know, it can be understanding, it can be back-channel communication. But, I think we need to acknowledge when your adversary has taken a step.

Senator GARDNER. Thank you.

Let me ask you this. Do you think the sanctions have already lessened, in some degree?

Dr. Cha.

Dr. CHA. Yeah, I am concerned. I mean, the reports are clearly that the Chinese have lessened the pressure. There are reports that North Korean ships are showing up in Chinese harbors now. We are trying to collect satellite imagery right now, commercial imagery, of the border region to measure what is the activity on the customs area in both—on the North Korean side and the Chinese side. I think the South Koreans are pre-positioning to get ready to provide humanitarian assistance to the North.

According to what Joe said, I mean, I think there are things that are already starting to be put in motion that are being presented as rewards to North Korea for the steps they have already taken. I think our sanctions are—I mean, as you said, they are U.S. law, and they are explicitly linked to nuclear proliferation and nuclear activity. So, I do not think they are political instruments. I think they are things that have been put there because of North Korean proliferation activity, and therefore, it requires concrete action by the North for there to be any change in the sanctions regime that currently exists.

Senator GARDNER. Do you believe that Kim Jong Un is committed to denuclearization, as you have described it?

Dr. CHA. No. In my 30 years of studying this issue and the limited time I have had in government working on this issue, I am not convinced yet that they are—he is fully ready to give up his weapons. I think, as you said, or as Joe said in his testimony, they prefer to frontload the rewards and push off denuclearization for as long as they possibly can. And, even then, I think, when they talk about denuclearization of the Korean Peninsula, they do not use that phrase in the same way that an untrained ear might hear it. I mean, they use it to mean: Sometime in the future they believe that the Korean Peninsula should be free of weapons, when there

is no longer any threat in the world to North Korea. And, you know, the type of regime that this is, they will always feel insecure, regardless of whether there is the United States on their border or the United States not on their border.

Senator GARDNER. Ambassador Yun, as we agreed to the, sort of, definition—as you agreed with Dr. Cha on the definition of “complete, verifiable, irreversible denuclearization,” do you believe Kim Jong Un is committed to that level of CVID?

Ambassador YUN. I would say we do not know. Kim Jong Un is 34 years old. I think he is looking to live another 40 years or more. And he has experience living overseas. I mean, I agree completely with Victor that all signs are—in history, they have not shown any signs that they want to denuclearize. But, however, it is a hypothesis worth testing, that we push to the limit, whether—so that we can determine how serious it is. I do not think he, himself, you know, or the North Korean elites, know how serious he is, but we need to point him to the direction so that he becomes serious. I completely agree with Senator Markey. War is not an option. War is not an option. And so, we should be trying to point to him so that we do not go towards that direction.

Thank you, sir.

Senator GARDNER. Yeah, thanks, Ambassador.

Before I turn to Senator Markey, I think it is very important that a couple of points remain in focus on this.

Number one, that full commitment to denuclearization. In Section 402 of the North Korea Sanctions Policy Enhancement Act, we make it very clear the conditions with which the President can certify we have achieved that goal in order to lift sanctions under U.S. law and the NKSPEA legislation.

Number two, the framework with which we pursue these actions with Korea and Japan, we must not sacrifice the alliance between Korea and the United States or imperil that, endanger that whatsoever, but also making sure that the regional interests of Japan are taken into account as it relates to the strategic postures that North Korea could possess.

Number three, our strategic deployment of U.S. troops on the Korean Peninsula, critically important, not just for the issue of peace on the Peninsula, but this is a very important issue that should not be contingent or connected or related to North Korea-South Korea-U.S. talks on nuclearization. They are completely separate, and should not, under any circumstances, be used as a negotiating chip or tool in these discussions.

Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman.

Let me move to the key issue of timing, in terms of what, in your opinion, the sequence should be of concessions that are made by North Korea of their verifiability and then the concessions which are given by the United States. Could you each lay out, if you could, how you believe that timing should unfold?

Dr. CHA. So, I think, as Ambassador Yun said in his statement, the baseline condition as we enter this is that there has to be a suspension of everything that the North Koreans are doing. I do not see that as a phase. That is just the baseline, and should be there all the time.

To me, the most important thing that would give one a sense that there is a true—at least the beginning of what looks like a true strategic decision to move in the direction that we want them to is this declaration. I mean, it is the place that we have been stopped before with North Korea in the last agreement, during the Six Party Talks. We got the point of the declaration, where North Korea would not provide a true declaration.

And then, following that complete declaration, that all has to be verified. So, the next step would be international inspectors going in to verify the quantity, the location of all of these things, and prepare the disablement process.

Those are, I think, the key steps—sequential steps for the denuclearization part. And the provision of assistance, whether it is through the humanitarian carve-out under the current U.N. sanctions regime, or the actual relaxation of some of the 10 U.N. Security Council resolutions, or our own sanctions of North Korea, would have to be calibrated to concrete steps, in terms of, I think, the process of verifying quantity and location, and then the disablement process. To me, that seems like the sort of key sequential steps.

Senator MARKEY. And when are we providing, along that sequence, the benefits of their cooperation—

Dr. CHA. Senator, I think we would have to start seeing some actions on the part of the United States when we are actually at the verification—

Senator MARKEY. At the verification level.

Do you agree with that, Ambassador Yun?

Ambassador YUN. Yes. I think, again, the crucial step is the first step, declaration. Without knowing what they have, how are you going to negotiate with them? And this is where we failed in the past. So, coming out of Singapore, for me, the litmus test of whether we have gotten anywhere is to know whether they have a declaration, or not.

On what we do in return, that is obviously a tougher topic. You know, what do you give in return? I think everyone agrees on what we get from them. And then, you know, being in the administration, it was always very uncomfortable to discuss what we would give in return, because you do not want to start saying what you are going to give before you start negotiation. Obviously, they are looking for security assurances. And we need to address that need. And I think you can match the steps. And this is why I think the President has moved from his previous position of “all in one” to phase, you know, step-by-step approach. And you can start beginning with end-of-war declaration.

What does it mean, practically, to have an end-of-war declaration? To me, it means that you are, essentially, taking a military option off the table. You know? So, I think that is one assurance that you can give them. And you can start discussing a peace treaty negotiation to finally end the cease-fire that ended the Korean War.

And then, as you mentioned, you know, as the Chairman mentioned, how do you match disablement, dismantlement with economic sanctions? And that is a crucial step that they will be looking for. You know, it is this tough-to-know timeline. I think Sig

Hecker, who is a real expert, visited North Korea many times—you know, Los Alamo Lab—said, “Even with voluntary denuclearization, it could take 10 years to do all that.” You know, so it is going to take a while.

Senator MARKEY. Ten years. So, in addition to nuclear, there are also missile issues, chemical issues, human rights issues, cyberhacking issues. So, the question that I am going to have for both of you is, should we handle all of those issues at once, or should we do them sequentially, focusing first upon the nuclear issue? What would your recommendation be, in terms of how we look at that negotiation challenge?

Ambassador YUN. Well, I really think it would be a mistake to overload the agenda. As you mentioned, there are human rights. What are you going to do about Japanese abductees? What are you going to do about refugees? What are you going to do about biochem weapons? What are you going to do about conventional weapons? I mean, that really overloads the agenda. And, initially, security guarantee also means you are not going to interfere in domestic happenings, domestic politics. So, you have to give that assurance. So, I can understand, it will be criticized heavily by many of you, why we should concentrate on denuclearization, above all else.

Thank you.

Senator MARKEY. Dr. Cha.

Dr. CHA. I do think that these are clearly the most important threats. I mean, our objective always is, how is this negotiation going to make us more secure, not less secure? And, in that sense, long-range ballistic missiles, the nuclear warheads are the key. Having said that, you know, for 30 years, we have done the negotiation this way, and it has not gotten us very far. And so, I feel like, while those are the key pieces, they need to be embedded in a broader political discussion that encompasses a wide variety of issues. That can also serve to help us to get a better sense of whether the North Koreans are serious, or not. So, actual steps on human rights, treating their people better would actually be a very important indicator of whether this regime is going to change the way it does things, both at home and abroad.

Senator MARKEY. Agree.

Thank you, Mr. Chairman.

Senator GARDNER. Thank you.

Senator Risch.

Senator RISCH. Let me say, first of all, Senator Markey, I really agreed with a lot of the things that you said in your opening statement, but there are few things that I did disagree with. One is that there is no military solution here. And you said that he believed he was negotiating from a position of strength. If he truly believes that there is no military solution here, then he is, indeed, negotiating from a position of strength. But, the choice for a military solution is not ours. It is his. He was told by the international community, by the President, what the red line was and what he could not do. And if he crossed that red line, there was going to be a military solution, not of our choosing. So, the cards are in his hands in that regard.

So, I want to talk a little bit—there is a lot of overthinking going on, on this. There are two things that are needed to get where we want to be. I want to touch on what you said, Mr. Yun, about overloading. The question that Senator Markey had was an excellent question, about what do we resolve here? You have, at one end of the spectrum, the human rights problems that they have internally. You have, at the other end of the spectrum, the nuclear issue. Look, we are all about human rights. We always have been, we always will be. That is going to be us. But, if you try to overload this and try to resolve all these things at once, I think you are just setting the thing up for failure.

I think two things are needed to resolve the current issue. And that is, you need the two leaders, when they sit down, to reach an agreement on an objective. That is, they both have an understanding of what the objective is. And when—after that happens, they both need to pledge that they will work in good faith to reach that objective.

Both of those were missing with the Iran deal. We did not have the same objective. Our objective was that they never have a nuclear weapon. Their objective was, “Well, yes, but not right now.” And they had their fingers crossed behind their back as we were going down the pike. And the second thing that was missing with the Iranians was good faith. They were not working in good faith to cede that they never had a nuclear weapon. Indeed, they were working just the opposite, to have things put in place so that they could eventually get to a nuclear weapon. So, those two things were missing.

Get to those two things, an objective and then a good-faith pledge on both sides. If you do that, this thing can be solved. It really can be.

The accounting, obviously, is important. And I think, Mr. Cha, you had mentioned that they have resisted this in the past. Well, you are absolutely right. They have strongly resisted this in the past. But, remember, they have also resisted in the past the idea of a denuclearized Korean Peninsula. So—now, obviously, the definitions need to be honed, but, in the past, if you would have said to them, “Would you agree to a denuclearized Korean Peninsula?”—they did not agree to that, under any terms. So, something has changed, here. And there is no question that what has changed is the tone of how things were from January and February to where they are today. There has been a change in the tone between—actually, between both countries.

I think our position has to be that we are going into this clear-eyed. They know that we know that there is suspicion and skepticism on our part because of the history of this thing. The history has been just awful. We have been taken to the cleaners, not just once on this, where we started giving stuff and then, at the end of the day, they pulled the carpet out from under us. That is not going to happen again. This President has said clearly that this is not going to happen again. And we have a different situation, with President Trump, than we have had in the past. I think Kim Jong Un recognizes that he is dealing with a person who has a very strong personality and is not going to tolerate the kinds of things that have gone on in the past. I think he recognizes that clearly.

He knows that this President is dedicated—deeply, deeply dedicated to the security of the United States and our allies in the region.

So, I think there have been things that have changed. Am I willing to sit here and say, “Oh, it is different this time”? No, I am not willing to sit here and say that. But, there are things that are happening, and there are positive things that are happening, as both of you have suggested. And we need to recognize that. This is so important—this is so important, to us and to the world, that, if, indeed, there is a change happening, we need to let these two people get together in a room, two people who have strong personalities, try to hammer this thing out and see if they can come to some kind of agreement. It is so important that they recognize that, even though we have had a bad history and they have done things that were very bad negotiations in the past, if, indeed—if, indeed, they are going to go down the road that they are suggesting that they want to go down the road, they need to know that we are a willing partner and will be a cooperative partner to get to the point that they have suggested that they want to get to. I think if we do that, I think that we can be successful.

And I appreciate your work on this, everyone’s work on this. I hope that the—our national media—I hope that other national media around the world—international media around the world, will give these two leaders a chance and not expect them to come out of there with an all-inclusive solution that is immediate. This is going to take some time. But, if they can reach an objective, and if they can reach a situation where they both agree that they will work in good faith to meet that objective, this can be done.

Thank you, Mr. Chairman.

Senator GARDNER. Thank you, Senator Risch.

Senator RISCH. This is a very timely hearing. Thank you for the hearing.

Senator GARDNER. Yeah. Thank you, Senator Risch.

Senator CARDIN.

Senator CARDIN. Well, Mr. Chairman, first, thanks for holding this hearing. It is very important. We are one week out from the summit, and this is the best presentation I have heard in regards to developing a strategy on what we want to achieve through negotiations.

Mr. Chairman, I am wondering how much discussion has taken place in the White House in order to prepare for this summit that is just one week away. I say that, recognizing there has been virtually no communication with Congress as to the preparations for this summit. I know individual Republicans might have had conversations. I am not aware of any Democrats, and I am not aware of any conversations with this committee, which holds the key role here. And, as Dr. Cha said, Congress needs to be involved in this, for two reasons. One, we need unity in America. And, secondly, we might have to act, because our sanction regime is mandatory, and, ultimately, there is going to be a need for congressional action in order, if there are successful agreements, for Congress to help implement those agreements.

So, let me make it clear. I agree with Senator Markey. I am very much in favor of a diplomatic solution, here. I am very pleased to

see that we are moving forward with diplomacy. I think that is the best way to move forward. So, I am pleased about that. But, I am also realistic as to what we need to achieve. And I thought both of you laid out that you need to have a declaration. There needs to be a commitment by North Korea to an objective. Then you need to know what the current status is. You need to get a commitment to make sure there is a freeze, and that requires inspections, and to make sure that the declaration is accurate. And then you need a strategy to dismantle. And, obviously, that will take time. And yes, there will be tradeoffs as you go through the process. That is what you need to achieve.

So, I sort of want to focus on Kim Jong Un for one moment and ask one critical question. Do you believe, today, he is committed to the end of the nuclear program in North Korea?

Ambassador YUN. This is a tough one. I will let him begin.

[Laughter.]

Dr. CHA. So, I am quite skeptical that he is. And let me just give one reason why. We have done some work where we have looked up old archive satellite imagery of the North Korean nuclear site at Yongbyon. And it turns out that they started landscaping that site in 1962, 2 years before China detonated their first nuclear device. December of last year, they said they had completed their program. So, that is over 60 years they have been working on this thing. And the notion that they are ready to show up in Singapore and all of a sudden say, "Here, it is all yours now. You know, we are ready to denuclearize," I am just very skeptical about. Now, I do not disagree with Joe, in the sense that this is why you have a summit meeting, this is what negotiation is for, but we walked in with the very same premise in 1994 and in 2005. Obviously, there is a big difference, because the leaders are meeting, and that will be important to know, ultimately, whether they are interested in this. But, right now, I am still skeptical.

Ambassador YUN. Thank you. Again, we do not know, and I would say this is a hypothesis worth testing. I think what is unusual about this summit meeting is that these are truly leaders-led. You know, we talk about the term "leaders-led," and you see, both on President Trump's side in Washington, Kim Jong Un's side in Pyongyang, resistance among staff. And leaders are much more eager to get there than staff or, you know, those under him. And so, I mean, I mean, I do agree with Senator Risch. We—you know, let them have a goal, let—I mean, we have—we can say he has failed many times in the past, but we have never had the leaders meeting on this issue.

Senator CARDIN. And that is why I support this.

Ambassador YUN. Yeah.

Senator CARDIN. I agree with what you are saying. And I think both of your answers are accurate. Today, we cannot believe that Kim Jong Un actually will turn over all of his nuclear weapons. We can, hopefully, through the leaders, start a path that can lead to that. And that is why the negotiations are particularly sensitive to make sure that we do not give away too much, too early, and that we achieve a plateau that can lead to the next plateau. And that is where I think we are having challenges here as to whether the leaders, in fact, will leave us in that position. You laid out, I think,

pretty specifically, what we need to do. Kim Jong Un, what is his objective in the summit? What do you think he is going to try to achieve in the summit?

Ambassador YUN. I believe he wants the summit to see the seriousness on the U.S. side. And I do believe the phrase, you know, “getting to know you” that President Trump used is probably exact wording from what the North Koreans want to do. And someone added the “plus,” because it sounded too little, “getting to know you.” So, I think this is what Kim Jong Un wants. He is the one who has gotten so far. I mean, you know—I mean, let us remember, he has come out onto a major foreign policy stage. And so, he—I think he wants to start slow.

Senator CARDIN. How far do you think he will go on June 12th?

Ambassador YUN. I believe he will go to have what we call declaration that he is—he will eventually denuclearize completely, fully, whatever words you want, provided they have no longer need nuclear weapons for deterrence. I think—and that they have been willing to go—is it new? No.

Senator CARDIN. And what does he want to get from the United States?

Ambassador YUN. He wants security guarantees for regime survival.

Dr. CHA. I think he is going to want to give as little as he can and get as much as he can in Singapore. I do think that he will stick to the “denuclearization of the Korean Peninsula” mantra, that all of his high-level emissaries have used thus far. And I think, you know, every foreign policy has a domestic audience. I mean, he has a domestic audience here. They have announced that this engagement with the United States is now part of their national narrative, but I do not think it is one based on weakness or a desire to get economic assistance. It is based on strength. They are a nuclear-weapons state now. That is why the United States wants to talk to them. That is why Donald Trump is ready to meet with them. So, they have a domestic narrative based on strength. And to think that they are going to give up that corpus of strength at this meeting would completely contradict the domestic narrative.

Senator CARDIN. Thank you.

Senator GARDNER. Thank you, Senator Cardin.

Votes have started, so Senator Markey is going to vote, come back, and then I will go vote.

Senator KAINE.

Senator KAINE. Thank you, Mr. Chair.

And thanks, to our witnesses, for your help and for your service.

And, in particular, Ambassador Yun, I want to just say to you, thank you for your work on behalf of Otto Warmbier and his family. What a tragic situation. But, he was a University of Virginia student, and close friends of mine. The Halal Minister at UVA was very close to Otto and his family. And the work that you did was compassionate. A very, very difficult situation. It was tragic. And, obviously, we learned some things from it.

Here is what I want to get into with you guys. I have some disagreements with Senator Risch about the Iran deal. And we have hashed them out earlier here in this room, and we do not need to. But, there was one part of the Iran deal we completely agreed with.

In fact, every Senator did. And it was that President Obama should not be able to do it without Congress. So, we wrote up an Iran Nuclear Review Act. Senators Corker and Cardin were the sponsors of that, with other cosponsors. And we did not set preconditions for the negotiations, but we, basically, required President Obama to bring it back to Congress. And the basic structure of it was, if you do a deal that touches upon congressional prerogatives, like the congressional sanctions regime, you have to bring it back to Congress. And we will defer to you, as an Article 2 executive with diplomatic prerogatives, but you have to bring it to Congress, and Congress has a period of time under which to review it and disapprove of it. But, if Congress does not disapprove of it, it can go forward. That received a 98-to-1 vote in the Senate. And the only Senator who voted no was Senator Cotton, who actually also believed President Obama could not do it without Congress. He wanted a different set of standards about what congressional review should be.

So, my opening question to you is, given that that was the will of this body with respect to President Obama and an Iranian nuclear deal, should we not apply the same principle to this deal and suggest that any deal that the President does that touches upon any congressional prerogative, like a congressional sanctions regime or might commit Congress to a treaty or something down the road—should we not have a uniform standard that the deal should be subject to some congressional review before it can be considered fait accompli and done?

Dr. CHA. So, I think, Senator, that that is—I would agree with you. I think that is very important, especially given that everything we have seen thus far, in terms of getting to Singapore, has been very closed, not subject to any—not even interagency review, let alone congressional review. So, I think that that bar has to be put out there, because you want to be able to publicly defend the policy or the deal that you are going to make.

Senator Kaine. Ambassador Yun.

Ambassador YUN. I would completely agree with you, Senator Kaine. I think one weakness of some of these agreements that we have entered is that it does not have full buy-in from Congress. And, obviously, any deal on North Korea will have to lead to a peace treaty. And that is something that should be, you know, of course, the domain of Congress, is a treaty.

Senator Kaine. So, setting aside for a minute what the requirements should be for a congressional review, let me dig into it further. If congressional review means that the administration has to sell the deal to Congress, and, by doing that, it is also selling it to the American public—and that is a lot better than kind of a secretive deal that does not get sold—congressional review means that the President's—and his negotiating team can look the North Koreans in the eye and say, "You know, it is not enough for me to agree to this, I have to do something that I believe I can get the people's elected body to agree with." And that can actually be helpful to the administration in negotiating a deal.

So, I would say, in the interest of transparency, in the interest of the appropriate relationship between Article 1 and Article 2 branches, to protect the congressional prerogative, vis-a-vis con-

gressional imposed sanctions, I am not that interested in setting preconditions. I am like you, Ambassador Yun, whatever level of hope or expectation I have, I am glad they are having the discussions. But, I do not want there to be a deal done unilaterally by an Article 2 executive without a review process that is at least as significant as the review process that we unanimously agreed should be imposed with respect to the Iranian deal. And again, would you generally share that sentiment?

Dr. CHA. I would generally share that sentiment, and I would pick up particularly on the point that you made about that—I mean, obviously, for transparency, ratification purposes, but also for actual bargaining leverage. I mean, if we can go and say to the North Koreans, “We cannot do this, because we know that the Congress, the American people, will not accept that,” that gives you additional leverage in negotiation.

Ambassador YUN. I agree with that, Senator. And one thing I would add is that, to me, there has been lack of congressional involvement in almost anything we do with North Korea. And I felt that when I was in the administration. I feel it now. There is—you know, practically nobody goes to—

Senator KAINE. Yeah.

Ambassador YUN. —North Korea. When is the last time even staff there went to North Korea? And I now have a different hat. And U.S. Institute of Peace, as we know, is very bipartisan. Certainly, one of the things I would like to try to do is more of relationship and dialogue between our congressional folks and, say, the Korea Workers Party in Pyongyang, you know, something like that. I think that is—

Senator KAINE. Well, I really appreciate this discussion, and I am going to work with my Republican colleagues, because I hope that they will insist the same with respect to President Trump on a North Korean negotiation as they insisted with respect to President Obama in an Iranian negotiation, that it should not happen unless and until there is a meaningful process for congressional review.

The last question I want to ask is this. Here is my concern about the negotiation. I think we have all kinds of concerns about, does each side describe “denuclearization” the same way? I am concerned about a negotiation where the U.S. gets a short-term win on the Peninsula at the cost of ceding broader American involvement in the region, to the detriment of allies like Japan, South Korea, and others. I would not want to do a deal that would ultimately, for example, be celebrated in China as the U.S. backing away from the region, even though it might be positive on the Korean Peninsula. Am I right to worry about that?

Dr. CHA. Sure. I think so, Senator. I mean, when we used to do the negotiations, we tried to keep in mind that we cannot let our North Korea policy get ahead of our alliance policy, and that whatever deal we make has to make the U.S. stronger in Asia, not weaker. And so, I do—I mean, it was part of the orientation of my initial statement. I worry that we might want a deal too badly and then put things on the table that hurt us in the long term.

Ambassador YUN. I would agree with you, we really do not want to do anything that would degrade the alliance. However, having

said that, our military is involved in a wide range of exercises, wide range of role there. Some of them deeply worrisome for North Korea, because, whenever there is an exercise, they have to get ready, they have to spend the limited amount of fuel that they have, and so on. So, in the past, we have had a discussion. And again, it is up to us to imagine what is on the table, in terms of those negotiations, and what is not. For example, we will, of course, say no reduction in troops, for example, but, is it okay to reduce some elements of some joint exercise? So, we should not really throw everything in and say, "Do not touch anything to do with X," but, again, examine the outcome carefully.

Senator KAINE. Thank you.

Thank you, Mr. Chair.

Senator GARDNER. Thank you, Senator Kaine.

Senator BARRASSO.

Senator BARRASSO. Thank you very much, Mr. Chairman.

Could I talk to you a little bit about the fired military leaders? There has been media reports indicating that Kim Jong Un replaced three of North Korea's top military officials. The action comes only days before the summit between the United States and North Korea in Singapore. Some analysts suggest it might be a sign that the North Korean leader is worried about opposition from his military leaders regarding the nuclear talks. Other analysts suggest it might be part of a broader effort to exert control and usher in a younger generation of leaders. There is a story in today's Financial Times, "North Korea Military Reshuffle Raises Hope of Nuclear Deal. Kim's Sacking of Old Guard Viewed as Effort to Keep One-Million-Strong Army in Check." So, kind of, looking at what is out there, and this new news related to the upcoming summit, how significant do you believe this firing is of these leaders? And do you believe that the removal of the top military officials is a result of maybe even growing opposition from leaders to the summit?

Dr. CHA. So, Senator, you know, we are always guessing when we look at internal palace politics in North Korea. There has been, under Kim Jong Un, during his 6 or 7 years in office, a steady stream of purging that has been taking place at very high levels. One of the positions that you mentioned, I think, was the army chief of staff. We have seen quite a bit of purging in that position for quite some time, very key positions within the military.

I think it is entirely possible that the FT hypothesis that this might be to take out hardliners as they prepare for this meeting, it is certainly possible. And, if so, that would be a good sign. But, I think what it really points to is that this is obviously a big step for the United States, but it is a huge step for North Korea. I mean, this is a small, isolated country that is now agreeing to step on the world stage, as Joe said, in Singapore, where the entire world will be watching, uncertain of what the outcome of that meeting will be. So, there are huge stakes, huge gambles. So, I would not be surprised if there is some resistance inside the system to what Kim Jong Un is doing.

Senator BARRASSO. Anything you would like to add to that?

Ambassador YUN. I think Victor is completely right. We do not know. But, one thing I think this does certainly signal is that Kim

Jong Un is feeling increasingly confident that he can displace these folks, who have been there for a long time. So, he is bringing people who are closer to his age and maybe his outlook. So, I think, again, this points to signs that Kim Jong Un is feeling confident as he prepares for Singapore.

Thank you.

Senator BARRASSO. Okay.

In terms of sanctions relief, I wanted to visit with you next about that. The United States has put in place significant economic sanctions against North Korea. Our Nation has really rallied the international community to join in imposing serious sanctions and pressuring North Korea to denuclearize. The North Korean regime is feeling the impacts of the maximum pressure campaign. During the Shangri-La dialogue in Singapore on Sunday, Secretary Mattis stated, "North Korea will receive relief only when it demonstrates verifiable and irreversible steps to denuclearization." So, it is clear that the Trump administration has learned from the mistakes of the previous administration, and is trying to ensure that we do not give away money and sanction relief up front without achieving a permanent solution.

Could you talk about what specific actions you believe demonstrate verifiable and irreversible steps on denuclearization?

Dr. CHA. So, the first thing I would say, Senator, and I want to say for the record, is that, for a very long period of time, everybody said sanctions do not work, and that they do not work on North Korea. I just want to say, for the record, sanctions work. And we usually do not know that until they actually come to the table, as they have this time, and then we do not even talk about whether the sanctions worked, or not. They were clearly, as you said in your statement, one of the main reasons why North Korea is at the table, because the sanctions are working.

In terms of the steps that would be required for any sort of consideration of relaxation, you know, again, very clearly, I think the first and most important step is a complete and full declaration of all of their weapons, precursors, facilities, and expertise that would then be fully verified by an international body—IAEA, whatever it might be. That is the first and most important step that would signify something different from what we have seen in the past failed agreements. And then we would actually have to see inspectors going in and start the process of securing, disabling these capabilities. Those would be tangible steps that then could take us down a path of removing some of these sanctions.

Ambassador YUN. I would agree completely with that definition, sir.

Senator BARRASSO. Thank you.

And then, in terms of previous efforts, North Korea poses a serious national security threat. The world would be a safer place with North Korea no longer having Nuclear weapons. The United States has previously engaged in, I think, four major sets of formal nuclear and missile negotiations with North Korea over the years. It is important that we learn from previous mistakes. So, President Trump has been very clear that he will walk away if he is unable to get a good deal with North Korea. Can you talk about what les-

sons we might have learned in previous negotiations that we should be thinking about, going into these discussions next week?

Ambassador YUN. So, I would say the key lesson we learned was: really do specify everything on the paper. I mean, for example, the last negotiations, what we call "Leap Day" agreement, and that failed because of satellite launch. If you want to include satellite launch, it must say so on the paper. This is why the follow-up work, staff-work or lower-level negotiations, I believe, are very important.

Thank you.

Dr. CHA. I think one of the most important lessons, and it is particularly appropriate for what is going to happen next week, is to really understand the history of the negotiations, because, unlike us, the North Koreans have the same people doing these negotiations for the past three decades. All the people involved in the current engagement are all people that Joe and I know well, because they were the people who were doing it, in my case, during the Bush administration, 10 years ago, or even before that. And what we do not want to do is walk into a situation where the North Koreans put things on the table that they have put on the table before, and we walk away thinking those are new things.

Senator BARRASSO. Thank you.

Thank you, Mr. Chairman.

Senator MARKEY [presiding]. Thank you. I thank the Senator from Wyoming.

Now, there are two roll-calls, which have been called on the floor, of the Senate, which is why Senators are arriving and departing, so that they can ensure that they are voted on both of the matters. So, we are going to continue the hearing and await other Senators returning to the hearing.

So, my next question is this: If North Korea backslides, would you support additional sanctions as a way to stave off a military confrontation on the Peninsula? In other words, using intensified economic sanctions rather than moving to a military option?

Ambassador YUN. Again, I think we are—it has been clear that sanctions have worked, and they have worked well. And so, if North Korea backslides, I would highly recommend we both do the multilateral sanction through U.N. Security Council as well as what I would call bilateral sanctions, or unilateral sanctions, with our allies, such as South Korea, Japan, Australia, EU, and so on. So, I think the critical question of core sanctions is, how much do we have China with us. And so, it is very important that the U.N. sanctions, because China will only work with us in New York. Those would be very important negotiations, sir.

Senator MARKEY. Okay.

So, Dr. Cha, that is the big question. There are reports that China, itself, is already backsliding on the sanctions that have been imposed. And yet, we know that, while the President says that there have already been maximum sanctions, we know that that is not the case, because China has not cut off the crude oil which flows into North Korea, which is essential for the North Korean economy. So, cutting off the crude oil flow into North Korea would essentially be maximum-plus. So, do you think that there is a likelihood that China would, in fact, cooperate with us if North Korea

is not cooperating, in terms of their willingness to impose additional sanctions on the North Korean regime?

Dr. CHA. Yeah, it is a very good question, Senator. And the thing that concerns me right now is that if we assume a good-faith negotiation in which North Korea makes clear that it is unwilling to part with all of its capabilities, and we go to sanctions, the Chinese situation is different now, because, in the past, they were in a period of 6 or 7 years of political alienation with the North Korean regime. And, as we have seen, they have had two summits within 40 days, and there clearly has been a change in the Chinese position on North Korea after the Party Congress to one that is much more focused on engagement. So, the point of all this is to say that, even if we do make a good-faith effort at negotiation, and the North Koreans balk, and we go back to sanctions, it will be—this will take a particular type of strategy or approach by the President and by the administration, by the Congress, to China to convince them to go back to sanctions, because they have equities now in the North Korea relationship that they did not have in the last quarter of 2017 or the beginning of 2018, when we were pursuing maximum pressure.

Senator MARKEY. And, again, laying out what those equities are that China now has in 2018 that they did not have in 2017 in North Korea, what are those equities?

Dr. CHA. I think they found themselves in—at 2017, as they were approaching their own Party Congress, to be in probably the worst position China has ever been on the Korean Peninsula, which was to have bad relations simultaneously with both North and South Korea—North Korea over the missile testing and the nuclear tests, South Korea over the THAAD deployment. And so, I think they have shifted to an all-out engagement strategy with both Koreas now that is meant to sort of—to balance the U.S. influence on the Peninsula. And so, when the President starts talking about peace treaty, these other sorts of things, those weigh directly on Chinese equities, and I think that is part of the reason they have pushed for a new relationship with both Koreas.

Senator MARKEY. Okay. So, if, in this negotiation, the North Korean officials ask President Trump, ask American negotiators, to be taken off the Specially Designated Nationals, or SDN, list, which are targeted sanctions for human-rights-related issues, not for proliferation, how do you think the United States should respond to that request, at this time?

Dr. CHA. So, this also goes back to the question from Senator Barrasso about lessons we have learned from the past. And I feel like one of the lessons—and we—I would admit that we did not hold true to these lessons—one of the lessons is, I think we need to only give up sanctions directly related to concrete action on those things upon which the sanctions were imposed. So, taking individuals off the SDN list when there are actually no improvements in human rights situation in the country, to me, do not make sense. And we start getting into trouble when we start putting things on the table and being willing to relax those for political or negotiation reasons, not for the actual purpose of the sanctions. It hurts us in the long term, and it hurts our equities in the region and with our allies.

Senator MARKEY. Okay. Let me come back to you, Mr. Yun. Satellite imagery suggests that a reactor at the Yongbyon nuclear complex was operating this past month, indicating possible plutonium reprocessing. If North Korea is, in fact, reprocessing plutonium, what do you think we can infer about North Korea's intentions? Would that activity be consistent with statements from a country that says that it intends to denuclearize?

Ambassador YUN. It would be a very disturbing signal for them to do another round of reprocessing now. And that is why we need a verification regime, a strong verification regime, to be in place as we reach commitments. So, I think, again, we need accounting, declaration, verification. So, all these. But, however, I would agree with you, or I would also assess, that this is not a good sign, for them to be reprocessing right now.

Senator MARKEY. And, ultimately, do you both believe that it has to be the International Atomic Energy Agency, which is the verification mechanism that we use, to ensure that there is compliance?

Ambassador YUN. I think that is the best and also most acceptable. And, you know, as you know, the teams are made up of many nationals. And I know that IAEA, as we speak, is already preparing for—has a team already training.

Senator MARKEY. Okay, beautiful.

Senator Risch.

Senator RISCH. Thank you very much.

I want to respond to a couple of things here. Senator Cardin was concerned about what is not happening in the White House. And I can understand, perhaps, his concern, in that it is not getting a lot of publicity. But, look, I want to assure Senator Cardin, I have been there, I have talked with the people that are working on this. This is a very professional national security team that is working on this. This is made up of not just individuals from the Trump administration. People on this national security team, and particularly those dealing on the North Korea issue, are people who have been there through various administrations. I believe the President is getting excellent advice from that national security team so that no one thinks that the President is sitting in the Oval Office reading a magazine and thinking about this thing. He is getting very deep and detailed briefings on this. And I feel very comfortable about where they are headed.

As far as Senator Kaine's concern about Congress's role here, look, I believe, just as I did with the Iranian deal, that this is something that the founding fathers actually thought about. And they said the first branch of government has a role, the second branch of government has a role. And the second branch, after they negotiate, needs to submit it to the United States Senate for a two-thirds vote as a treaty. I can tell you personally that the President of the United States has told me personally, the Vice President of the United States has told me personally, the Secretary of State has told me personally that it is their intent to craft this in such a way that it is a treaty and will be submitted, under the Constitution of the United States, as a treaty to the United States Senate for verification. So, they are viewing it in that regard.

And in that regard, they also understand that the way this is done is with, not just the consent, but the advice and consent. And there is a lot of advice that they are getting right now. A lot of it publicly, and some of it privately. But, they take that very seriously. And they know that the Constitution requires them to not only get consent, but to get advice. And a lot of us felt very abused during the Iran deal, that that advice just was not landing with anything that it needed to land with. So, in that regard, I think that these are—we have a good structure in place as to how this is going to be handled and where we are going to go.

And, lastly, let me say that I know people have said, “Well, how do we know if they are acting in good faith?” Look, those of us that are in this business, you cannot sit down and write a definition, “This is good faith,” but you can read between the lines, and you know it when you see it. And when we had the Iran deal, and they were making offers about how the inspections were going to take place, look, if you are acting in good faith, an inspection is an inspection. Anytime, anyplace, you open the door and you go in and inspect. If you remember, on the Iran deal, they had this one particular facility we were really interested in, and said, “Well, when you want to inspect it, you give us plenty of advance notice, then you come to the gates, we will take pictures, we will bring the pictures back out to you, and you can look at them.” Does that sound like good faith? You do not have to be a rocket scientist to figure out that that is not good faith. So, I think we are going to know good faith really quickly when we see it. And I go back to my premise. If the two leaders can reach an agreement on the specific objective, and both pledge to work at it in good faith, and both do, this can get done.

Thank you, Mr. Chairman.

Senator GARDNER [presiding]. Thank you, Senator Risch.

And I will ask one quick question. The opportunity I had earlier this week to meet with the Foreign Minister of Japan was incredibly telling. We talked about the concerns regarding abductees, concerns regarding short-range/intermediate-range missiles, and, of course, Japan’s—the relationship that we have with Japan, the opportunity to engage South Korea, Japan, the United States in regional economic and security conversations. Incredibly important. So, could you give me a brief synopsis of equities that Japan has at stake and how we can look out for them, maintaining that important regional security partnership?

Dr. Cha.

Dr. CHA. So, I think for—Japan has always played some role in our negotiations and agreements with North Korea. During the Agreed Framework, they were one of the original KEDO members, the Korea Energy Development Organization. During the Six Party Talks, they were one of the five countries that were providing interim fuel assistance to North Korea. And so, they will be an important part of any future deal with North Korea. And, you know—and it is very important for the United States, in these negotiations, to be aware of countries like Japan—our key ally, Japan, and their equities, whether it is on, as you said, short-range and intermediate range ballistic missiles, the issue of the abductees, the abductee citizens, and sanctions. Japan has been one of the strong-

est supporters of the sanctions regime. And, even if we talk about peace treaty or a peace agreement on the Peninsula with threats remaining to our ally, whether it is ballistic missile threats or even conventional threats, it is very important not to allow those equities to be undercut, because, again, we will not be making ourselves more secure as a result of this agreement if we are undercutting our allies.

Senator GARDNER. Ambassador Yun.

Ambassador YUN. Thank you. I do not think I can overemphasize the importance of Japan in our strategic considerations in Asia and Northeast Asia. We have 50,000 troops stationed in Japan, and they represent what forward-deployment is all about. And, as Victor mentioned, they have been solidly with us throughout, whether it is in Six Party Talks or before. They have also, in previous agreements, like Agreed Framework, agreed to pay a big share of the light-water reactors that we had committed to. So, in any agreement that we eventually reach with North Korea, Japan has to be a part of it. And so, I think, to me personally, it is very worrisome that there is not as much consultations with Tokyo as there should be. And so, again, I think this is a key part of what some of our closest allies are saying, "You need to understand us a lot more." And so, I would hope, going forward—I know that the Prime Minister of Japan is going to be in town in a few days—that these consultations at a high level accomplish the kind of shortcomings we have had over the last few months.

Thank you.

Senator GARDNER. Thank you, Ambassador Yun.

Senator Markey, do you have anything else for—

Senator MARKEY. Yes, I do.

Senator GARDNER. Please.

Senator MARKEY. Thank you, Mr. Chairman, very much.

At the end of the day, do you believe that North Korea will want to retain a civilian nuclear power plant capacity, infrastructure, in the country? Do you think that will be something that ultimately they insist upon, and, as a result, obviously, will necessitate an IAEA full-scope inspections regime that is imposed upon it?

Ambassador YUN. I firmly believe they will insist on it, that this is a right that they believe is given to every country, virtually, to have a peaceful use of nuclear energy. And I do believe that, at the end of the day, that is something we should seriously consider.

Thank you.

Senator MARKEY. Okay, great.

Dr. Cha.

Dr. CHA. I agree. They wanted it in the 1994 deal, they wanted it in the 2005 deal. They, of course, do not have the power grid to support light water reactors in the country, but they seem to want that rather than conventional electricity or other things that would do much more to increase energy efficiency in the country.

Senator MARKEY. In terms of where they see themselves positioned right now, how much of this, from your perspective, is related to North Korea's reaction to the imposition of sanctions on them and the extent to which they are now biting in the economy of North Korea? And how much of it is related to their sense that they have completed their ICBM, they have completed their nu-

clear weapons development program sufficiently to provide them with the deterrent which they have always been seeking?

Ambassador YUN. Senator, I think they are both factors, that imposition of sanctions, which have been biting for some time now. And, as well as—I mean—you know, it may seem ironical as well as their regained confidence as shown by their nuclear tests and ICBM tests.

Two other factors that should be taken into consideration. It was the election in South Korea last year, the election of President Moon, who is much more progressive and wanting the tradition of reconciling. And remember, it was him who brought the deal to the White House, not anyone in the administration.

Second factor is China. China imposing sanctions throughout last year, to the extent that they did, also really did hurt China.

So, I would say it is a combination of those, and it is very hard to say, at the moment, which one was the overriding concern. And, of course, the last thing we have to remember is that this is a 34-year-old leader, and he may be seeing the future in a different prism.

Senator MARKEY. May I just—I will ask you, Dr. Cha. I am wondering where you might perceive a difference between what South Korea wants to achieve in these discussions and what the United States wants to perceive. Where would that difference be, in terms of what is acceptable to them and what would not be acceptable to us?

Dr. CHA. So, I think the—first, in the overriding objective for South Korea is that they want peace on the Korean Peninsula. They do not want a second Korean War. I mean, this is clearly a threat to them as well as it is to us. But, I think they believe that military solutions are not the answer to this problem, particularly preventive military solutions.

As Joe mentioned, this is a more progressive government, and they are forward-leaning, in terms of engagement with North Korea. I think that would make them more predisposed to moving more quickly on things like peace declarations or even a peace treaty, be more willing to move more quickly in terms of enlarging the humanitarian carve-out under the sanctions regime, or even moving towards lifting some of those sanctions, perhaps for political reasons rather than for the direct technical reasons that we have already talked about in this hearing. I think, overall, they are still pretty much in line with the U.S., but my guess is that they would be more forward-leaning in terms of some of the incentives that could be provided to the North Koreans as a way to gain more traction in the negotiations, going forward.

Senator MARKEY. Do you agree with that?

Ambassador YUN. Yes, I agree with that. I think the key difference that we will feel is that South Koreans will want to lift sanctions way earlier than Washington.

Senator MARKEY. And our reaction to that should be?

Ambassador YUN. I think, again, hold off for a while.

Senator MARKEY. Do you agree with that, Dr. Cha?

Dr. CHA. And I mean, if the North Koreans do things that remove the causes for the sanctions, then we can lift them, but not for other reasons.

Senator MARKEY. Okay, great. Thank you.

Thank you, Mr. Chairman.

Senator GARDNER. Thank you, Senator Markey.

Senator Murphy.

Senator MURPHY. Thank you very much. Thank you, Chair and the Ranking Member, for having this hearing.

Thank you for sticking with us for so long.

I am going to hope that I am not treading ground that others have covered, but I had two subjects that I wanted to raise. The first is about the aftermath of talks that are perceived by some, if not all, to fail to meet expectations. It is interesting that I think everyone agrees it is probably going to be a bit of a muddle as to what comes out of next week. But, there have been reports that there are some very close to the President who feel much more strongly about a path that runs through military action than others. And you have both spent time in and around the administration. I want to ask two questions. One is a legal question. I know you are not lawyers, but I am sure you have thought about this second question.

The first is, do you worry that there are going to be those close to the President who are going to use a failure to meet expectations, either internal or external expectations, as an excuse to push early military intervention? And (b), in your experience, do you think that the executive has that ability, short of a congressional authorization? John Bolton did write a piece, before taking up this post, in which he argued that the executive does not have to come to Congress in order to take preemptive military action against North Korea. Do you agree with that analysis, or do you think that the President has to come to Congress prior to launching a strike?

Dr. CHA. So, on your first question, Senator, I do not know the answer to that. There may be some who try to use failed negotiations, or the failed summit, as a pretext for taking more coercive military measures. On your second question, I am not a lawyer, but I know lots of lawyers. And, particularly when we are talking about a preventive military strike, a preventive—not in defense, not in retaliation, but a preventive military strike, everyone I have talked to said that you need Congress. You cannot do that on your own.

Senator MURPHY. Right.

Mr. Yun.

Ambassador YUN. Senator, I do worry about failure leading to military action. I think that is clearly among the world of possibilities out there. And, you know, I mean, we experienced, of course, you know, throughout last year, really what I felt was a fairly dangerous situation, when a military option was being talked about quite openly, including things like preventive, preemptive, bloody nose, whatever. And so, we have always considered military action during over the past 60 years, but we have always said it is not worth another war on the Korean Peninsula to get those weapons out or programs out. So, I would hope, again, the calmer, cooler heads would prevail on that.

I think it would be, for me, much more reassuring, certainly, if Congress were to assert your role and have any military action be authorized by the Congress.

Thank you.

Senator MURPHY. Let me—I will not press you on the second question, but I will press you on the first one. Your worry about failure being a pretext for military action, I know you have been pressed on this question, probably in a number of different ways, about what constitutes failure, what does not. But—it is hard to game this out, but what would be a situation in which there might be progress made that would be enough to continue deliberations, but, for some, it might not be enough? What would failure look like that would worry you that there would be calls, or room for calls, for military action?

Ambassador YUN. I think, for me, failure would be an abrupt end and no more meetings scheduled, no dialogue.

Senator MURPHY. Right.

Ambassador YUN. And a returning back to where we were last year, to me, that would be a failure.

Senator MURPHY. My second question is about this question of U.S. presence in South Korea. And, again, I know you have talked around this. But, specifically, what are the potential options that we or the South Koreans might end up presenting to the North Koreans regarding the future disposition of U.S. forces and personnel in South Korea? Obviously, this is going to be one of the demands. Many people believe that, when he says “denuclearization,” Kim means the removal of all or a substantial amount of U.S. personnel. What are the range of options, in the short term and the long run, that would be responsible for us to consider, with regard to our posture in the Peninsula, if we get the kind of assurances we are hoping for on the nuclear program of North Korea?

Ambassador YUN. I really do not think our alliance relationship, especially the disposition of U.S. troops in South Korea, should be any topic of discussion or negotiations with North Korea.

Senator MURPHY. To you.

Dr. CHA. So, I would say, first of all, I think, in general, it would be great if we could bring troops home. I mean, in general, that would be a—if there is peace on the Peninsula and we could bring troops home, that would be a great thing. The concern I have is that we put things like that on the table for vague promises of denuclearization sometime—

Senator MURPHY. Right.

Dr. CHA. —in the future. Now, the discussion of the disposition of U.S. forces, historically, for the United States, we have decided these things on our own. The South Koreans would like us to consult more with them on this, but, historically, the United States, when Nixon pulled out the 7th Infantry Division, we did this all on our own. There is a plan negotiated between the United States and South Korea about movement of forces to Camp Humphreys, so there is a whole plan for this. And what I worry is that this should not all be short-circuited by, you know, the flashy, you know, thing that is the North Korean negotiation. It should really be something discussed only between allies and not leveraged into North Korea.

Senator MURPHY. So, I do not disagree. I guess I am asking in the context of what Kim will need and what he will ask for. Is it realistic to believe that you are going to get the commitments you think are necessary without putting that question on the table?

Dr. CHA. I—so, I think it is certainly—it is certainly possible—
 Senator MURPHY. Possible.

Dr. CHA. I mean, I think he may be more after our nuclear umbrella than he might be after the troops.

Senator MURPHY. Right.

Dr. CHA. Previous South Korean Presidents who have talked to past North Korean leaders have said the North Koreans are not averse to having some sort of military presence on the Korean Peninsula, as long as it was not directed at them. I do not know whether that is true, or not. But, we are the ones who have been talking about putting it on the table. The—

Senator MURPHY. Right.

Dr. CHA. —North Koreans have not—in all they have thus far, have not been the ones demanding that it be on the table.

Senator MURPHY. Right.

Ambassador YUN. Yeah. I would note that, in both Agreed Framework and Six Party Talks, and all previous agreements, there was never a hint of their demand that we would put troops on the table. So, I do not see that occurring. And I think Victor is right, this seems to be a discussion that is kind of going on in Washington without necessarily going on in Pyongyang.

Senator MURPHY. Yeah, great. Thank you.

Senator GARDNER. Thank you.

And we are never going to let you go.

Senator Risch.

Senator RISCH. Briefly.

You know, the question was asked about whether you are worried that failure might lead to military action. And, of course, that is always a concern. But, I have to say that, watching this as I have, and being as close to it as I have over this period of time, I am much less concerned about that than I was last year and early this year. I mean, the road we were headed down was almost a certainty of military action. And so, you know, am I concerned that failure might put us back there? Very possibly, failure would put us back there. But, at least we are where we are today and have made very, very significant progress, as I said, with the change in tone and everything else, although we are still clear-eyed about how this could end.

And that brings me to my last point, and that is that I think, you know, that—the question was asked, which played a bigger role here, the sanctions regime or the insecurity that Kim Jong Un felt? And I think it is the latter. I think that he came to the conclusion that his regime was going to come to an end, one way or another, if he continued down the road that he went down. The sanctions certainly are a concern, they certainly hurt people there. They do not hurt Kim Jong Un or his family or the elites, but they do hurt the people there. But, his number-one goal is not to have nuclear weapons, his number-one goal is to have the security that his regime will stay where it is. And I think that that has been recognized. And I think, as we proceed with negotiations, that is what we have got to do to get to a point that everybody can agree to.

So, anyway, with that, again, both of you have been very helpful in thinking this through and getting out for the national discussion the issues that are at play here and the importance of tamping

down expectations that this is a one-shot deal, where they sit down, they come out and sing Kumbaya and say, "This is all taken care of." It is not. It is going to be complex. It is going to take time. And I think, because of the importance of this, everyone needs to be patient with it.

Thank you, Mr. Chairman.

Senator GARDNER. Thank you, Senator Risch.

Senator MARKEY.

Senator MARKEY. Yeah, thank you. One quick question.

I think, at the end of the day, the question is going to be, what kind of security guarantees can the United States give to Kim if he gives up his nuclear weapons program? And I would like you both, if you could, just to talk about, what is the mechanism we would use to create that security guarantee, given what John Bolton said about Gaddafi, said about Libya, the constant noting of what happened in Iraq by North Korean officials? What is, in your opinion, the format for a security guarantee that we could provide, in conjunction with allies, that would give him the confidence that he could give it up and not jeopardize his own life?

Dr. CHA. So, Senator Markey, in a book that I wrote a few years ago, I listed, I think, seven pages of security assurances that previous U.S. administrations have given to North Korea, the most recent of which was during the Bush administration that I worked for, where we said we would not attack North Korea with nuclear or conventional weapons. There are other things we could do, in terms of peace treaty normalization, all of these other things. But, to me, in the end, the biggest threat to the regime's security is from within itself. So, when it talks about pursuing nuclear weapons and economic development, that is the closed-loop circle they have to get themselves out of, because, as they pursue that economic development and presumably opening to the outside world, that will be the biggest threat to the regime. And we cannot guarantee that.

Senator MARKEY. So, you do not think his greatest fear would be a U.S. or allied attempt, once he no longer has nuclear weapons, to then create that incitement internally, to support it, and then to lead to his demise. You do not think that that is really a concern which he has. It is all internal, it is not external, in terms of what then the plot might be, as it was in Iraq and Libya.

Dr. CHA. I think, for paranoid leaders like the North Korean leader, that is always a concern. But, I do not think that would be what the U.S.-ROK plan would be. And I think, in the end, the biggest threat would be the economic opening.

Senator MARKEY. I appreciate that.

Mr. Yun.

Ambassador YUN. I mean, as a diplomat, I have always said, listen to what they want. You know? And the phrase they use more often than anything else is, "You have to remove hostile intent." And so, you ask them, "What does 'hostile intent' mean?" And they would counter, "When we do not have no more relations." So, I think normal diplomatic relations is important. And that is something that we should seriously think about.

Second thing is, of course, there are security assurances, such as a nonaggression pact, that we could go into. And another thing is

no first strike. I mean, all these have been used before. But, again, if you want to test what they will do, you have to walk the path that they put it on for you.

Senator MARKEY. I just want to thank you both of you for your excellent testimony today, and for your—

Dr. CHA. Yes, sir.

Senator MARKEY. —service to our country over many, many years. Thank you.

Thank you, Mr. Chairman.

Senator GARDNER. Thank you, Senator Markey.

And I think it is important at this time to think about that, you know, the hostile-intent question and look at it through the lens of something that Admiral Harris said when he was at PACOM, which is now, as of this week, Indo-Pacific Command, as a reflection of our free and open Indo-Pacific strategy. Harry Harris, testifying before Congress, said, “It is not our intention to bring Kim Jong Un to his knees, but to his senses.” That is not a hostile intent. That is an opportunity for the United States to help bring that peace on the Peninsula. And I hope, as we all hope, that the Singapore Summit can be the first of a conversation that will lead, indeed, to that peaceful resolution.

I, too, want to thank both of you for your service to this country, for your time and testimony today.

Thanks, to all of you, for attending today’s hearing. Again, in October of 2015, this room would have been mostly crickets and just a couple of us up here. So, thank you all for being a part of this, the witnesses providing us, you know, the testimony.

For the information of members—and I apologize to Senator Merkley for not being able to get to him before he left for the votes—the record will remain open until the close of business Thursday, including for members to submit questions for the record. This is your homework assignment. I kindly ask the witnesses to respond as promptly as possible, and your responses will be made part of the record.

We are going to be having a little conversation outside with media, following this.

With the thanks of the committee, this hearing is now adjourned. [Whereupon, at 11:55 a.m., the hearing was adjourned.]